

THOMAS A. ERICSSON, ESQ.

Nevada Bar No. 4982

JAMES A. ORONoz, ESQ.

Nevada Bar No. 6769

Oronoz & Ericsson, LLC

1050 Indigo Drive, Suite 120

Las Vegas, Nevada 89145

Telephone: (702) 878-2889

Facsimile: (702) 522-1542

[tom@oronozlawyers.com](mailto:tom@oronozlawyers.com)

*Attorneys for George Washington Sims, III*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

GEORGE WASHINGTON SIMS, III,

Defendant.

CASE NO: 2:21-cr-00026-GMN-BNW

**STIPULATION TO CONTINUE MOTION  
RESPONSE DEADLINES**

(First Request)

IT IS HEREBY STIPULATED AND AGREED by GEORGE WASHINGTON SIMS, III, by and through his attorneys, THOMAS A. ERICSSON, ESQ., and JAMES A. ORONoz, ESQ.; and the UNITED STATES OF AMERICA ("Government") by and through BIANCA R. PUCCI, ESQ., and LISA CARTIER-GIROUX, ESQ., Assistant United States Attorneys, that the following Motion response deadlines be vacated and continued to September 15, 2021.

1. Government's Response to Defendant's Motion to Bifurcate, original due date for Government's Response was August 27, 2021. [Document 85].
2. Defendant's Response to Government's Motion in Limine to
  - A. Preclude Rule 412 Evidence
  - B. Preclude Argument/Testimony That The Minor "Consented" [Document 81].

3. Defendant's Response To Government's Motion To Compel Reciprocal Discovery Or, In The Alternative, Motion In Limine To Preclude Introduction Of Any Evidence By The Defendant Not Produced. [Document 82].

4. Defendant's Response To Government's Motion In Limine To Exclude And Limit Improper Impeachment Under FRE 403, 608, And 609. [Document 84].

The request for a continuance is based upon the following:

1. Defense counsel Thomas Ericsson was appointed to represent Mr. Sims on July 27, 2021. ECF 95.
2. Newly appointed defense counsel requires sufficient time and opportunity to prepare and respond to pre-trial motions and to prepare for trial.
3. Due to COVID-19, there are limitations on client contact that affect Defense Counsels' ability to meet with the Mr. Sims who is currently in custody.
4. Defense Counsel for George Washington Sims, III has spoken to his client and he does not oppose the continuance.
5. Defense Counsel has spoken to Assistant United States Attorney Lisa Carrier-Giroux, and the Government also requests the briefing response extension.
6. The additional time requested herein is not sought for purposes of undue delay.
7. Additionally, denial of this request for briefing extension could result in a miscarriage of justice.
8. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).
9. This is the first request to extend this briefing schedule.

Dated: August 27, 2021

Respectfully submitted,

/s/ Thomas A. Ericsson

Thomas A. Ericsson, Esq.

James A. Oronoz, Esq.

Ornoz & Ericsson, LLC

1050 Indigo Drive, Suite 120

Las Vegas, Nevada 89145

*Attorney for George Washington Sims III*

/s/ Lisa Cartier-Giroux

Bianca R. Pucci, Esq.

Lisa Cartier-Giroux, Esq.

Assistant United States Attorneys

501 Las Vegas Blvd. South, Suite 1100

Las Vegas, Nevada 89101

*Attorney for the United States of America*

UNITED STATES OF AMERICA,  
Plaintiff,  
  
vs.  
  
GEORGE WASHINGTON SIMS, III,  
Defendant.

## FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

- 3

1 8. The additional time requested by this Stipulation is excludable in computing the time  
2 within which the trial herein must commence pursuant to the Speedy Trial Act, Title  
3 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title  
4 18, United States Code §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

5 9. This is the first request to extend this briefing schedule.

6 **CONCLUSION OF LAW**

7 The ends of justice served by granting said continuance outweigh the best interests of  
8 the public and the defense in a speedy trial, since the failure to grant said continuance would  
9 be likely to result in a miscarriage of justice, would deny the defendant sufficient time and the  
10 opportunity within which to be able to prepare effectively and thoroughly for trial, taking into  
11 account the exercise of due diligence.

12 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,  
13 United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United  
14 States Code §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

15 **ORDER**

16 IT IS THEREFORE ORDERED that the response deadline for Doc. 85, Defendant's  
17 Motion To Bifurcate currently scheduled for August 27, 2021, is vacated, and continued to the  
18 15<sup>th</sup> day of September 2021.

19 IT IS THEREFORE ORDERED that the response deadline for Doc. 81, United States'  
20 Motion in Limine to A) Preclude Rule 412 Evidence; and B) Preclude Argument/Testimony  
21 that the Minor "Consented" currently scheduled for September 1, 2021, is vacated, and  
22 continued to the 15<sup>th</sup> day of September 2021.

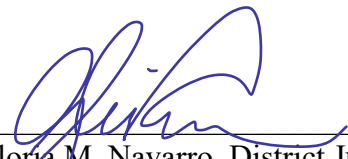
23 IT IS THEREFORE ORDERED that the response deadline for Doc. 82, Government's  
24 Motion to Compel Reciprocal Discovery or, in the alternative, Motion in Limine to Preclude  
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1 Introduction of Any Evidence by the Defendant Not Produced currently scheduled for  
2 September 1, 2021, is vacated, and continued to the 15<sup>th</sup> day of September 2021

3 IT IS THEREFORE ORDERED that the response deadline for Doc. 84, Government's  
4 Motion in Limine to Exclude and Limit Improper Impeachment Under FRE 403, 608, and 609  
5 currently scheduled for September 1, 2021, is vacated, and continued to the 15<sup>th</sup> day of  
6 September 2021  
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13 **IT IS SO ORDERED** *nunc pro tunc*.

14 Dated this 31 day of August, 2021.

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19 Gloria M. Navarro, District Judge  
20 UNITED STATES DISTRICT COURT  
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